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Letter dated 13 June 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 8 June 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the fact that the United Nations Compensation Commission has deliberately been concealing from Iraq documentation relating to claims, in violation of the proper legal procedures established in international law and by judicial precedent. He urges you to intervene with a view to having the Commission follow the proper legal procedures.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-48011 (E) 150600 150600

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The Government of Iraq has received from the United Nations Compensation Commission a procedural order dated 2 December 1999 relating to a claim for compensation submitted by the Government of the Federal Republic of Germany on behalf of its Ministry of Foreign Affairs. The procedural order gives the panel of commissioners a 12-month period in which to submit its report and recommendations on the claim to the Commission's Governing Council. It is to be noted that the procedural order contains no information or details concerning the nature of the claim, either in terms of any legal and material evidence as to what caused the damage, or in terms of the type and nature of the damage caused or the time at which it occurred, or in terms of the amount of compensation claimed.

The fact that the Government of Iraq was not provided with the documentation relating to the claim in question but was merely furnished with a copy of the procedural order issued by the panel of commissioners prompts us to reiterate the substance of our previous letters, particularly those of 2 February 1999 (S/1999/113, annex), 11 May 1999 (S/1999/570, annex) and 11 December 1999 (S/1999/1243, annex), in which the Government of Iraq asked to be provided with full information relating to claims and not merely summary information that allows no opportunity for a full legal response to be submitted in their regard. This also gives the Government of Iraq reservations with respect to any decision to be made to compensate the said Ministry as long as it is not provided with detailed information on the claim and given the right to state its views on the matter to the panels of commissioners and to the Governing Council in order to defend its rights and the assets of its people.

Allow me, in this connection, to refer to paragraph 3 of article 35 of the "Provisional Rules for Claims Procedure" (S/24363, annex I, enclosure), which states that "such claims" (namely "claims of corporations and other entities and claims of governments and international organizations") "must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss". We therefore reaffirm our right to know the reason Iraq's requests are ignored and such documentation is deliberately withheld from the Government of Iraq.

In raising this matter, the Government of Iraq invokes its inalienable right to be fully informed of issues and claims that concern Iraq in its capacity as the respondent State as well as its right to know the contents of the documents submitted by claimants so that it may be able to respond to them. You perhaps share our view that withholding such information from Iraq opens the way for claimants to say whatever they wish in order to obtain the sums they are claiming.

The Government of Iraq has endeavoured to state its position and to reveal the unfair, unlawful and unprecedented methods adopted by the Commission in its dealings with Iraq, methods that prevent it from being apprised of even the most basic information that would enable it to comment on a claim, form a view thereon and submit any observations it has to make in its regard.

In view of the fact that we have received no replies over the past years, we appeal to you once more, in accordance with your legal responsibilities, to intervene in this matter in order to have the Commission follow the proper legal procedures

established by international law and judicial precedent so as to protect the assets of the Iraqi people from unwarranted dissipation and waste.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq